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7 ENFORCEMENT, EDUCATION
SERVICES: HELPING YOU
8 HELP OTHERS

9 UNITED STATES DISTRICT COURT

E-FILED - 10/21/05

10 NORTHERN DISTRICT OF CALIFORNIA

11 JAREK MOLSKI, an individual; and)
12 DISABILITY RIGHTS ENFORCEMENT,)
EDUCATION SERVICES:HELPING)
13 YOU HELP OTHERS, a California public)
benefit corporation,)

14 Plaintiffs,)

15 v.)
16 KING & I INVESTMENT GROUP, a)
California corporation and DELORES M.)
WEST and ELAINE C. WEST,)
18 individually and as trustees of the)
WILLIAM M. & DELORES M. WEST)
19 REVOCABLE TRUST,)

20 Defendants.)

CASE NO. C04-1943 RMW

**STIPULATION OF DISMISSAL
AND ORDER**

21 The parties, by and through their respective counsel, stipulate to dismissal of
22 this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms
23 of the Settlement Agreement and General Release (“Agreement”), each party is to bear its own
24 costs and attorneys’ fees. The parties further consent to and request that the Court retain
25 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co., 511*
26 *U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of*
27 *settlement agreements).*

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STIPULATION OF DISMISSAL

CV04-7943 RMW

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action
2 through their designated counsel that the above-captioned action be and hereby is dismissed
3 with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.

6 DATED: October 12, 2005

*THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION*

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8 By: _____/s/
9 JESSICA A. DAYTON
10 Attorneys for Plaintiffs JAREK MOLSKI and
11 DISABILITY RIGHTS ENFORCEMENT,
EDUCATION SERVICES: HELPING YOU HELP
OTHERS

12 DATED: October 12, 2005

*HINKLE, JACHIMOWICZ, POINTER & MAYRON
ATTORNEYS AT LAW*

13
14 By: _____/s/
15 GERALD A. EMANUEL
16 Attorneys for Defendants KING & I
INVESTMENT GROUP, a California corporation

17 DATED: October 13, 2005

*BERLINER COHEN
ATTORNEYS AT LAW*

18
19 By: _____/s/
20 LAURA A. PALAZZOLO
21 Attorneys for Defendants DELORES M. WEST and
22 ELAINE C. WEST, individually and as trustees of
the WILLIAM M. & DELORES M. WEST
REVOCABLE TRUST

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ORDER

IT IS HEREBY ORDERED that matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

DATED: 10/21 , 2005

/S/ RONALD M. WHYTE

HON. RONALD M. WHYTE
United States District Court Judge